

Appl. No. : 10/078,287
Filed : February 15, 2002

REMARKS

In response to the Office Action mailed January 8, 2003, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. Claims 1-17 are pending in this application. As a result of the amendments listed above, Claims 1-4 and 7-17 are pending, Claims 5-6 have been cancelled. Claims 1, 7, 8 11 and 17 have been amended by this paper and are presented for further Examination.

Restriction Requirement

In the Office Action, the Examiner argues that more than one invention is claimed by the claims of the present application and that a restriction requirement is proper. The Examiner states that a telephone conversation was held with Tom Arno on January 2, 2003 during which a provisional election was made of Claims 1-4 and 7-17 without traverse. The Applicants hereby affirm the election of Claims 1-4 and 7-17. By the amendments listed above, Claims 5 and 6 have been cancelled without prejudice. The Applicants reserve the right to pursue the cancelled claims in a divisional application.

Rejections Under 35 U.S.C. § 102(b)

In the Office Action, Claims 1-4 and 7-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,669,593 to Kirchner (Kirchner). The Office Action states that “[r]egarding claims 1-4, Kirchner ‘593 discloses a bracket (figure 4) comprising a first half rotatably connected to a second half (figure 4) so as to define an axis of rotation, and a spring (figure 4); wherein the first half can rotate to and from an unfolded position; wherein the spring biases the rotation of the halves towards the unfolded position.”

The Applicants would like to thank the Examiner for the telephonic interview held Monday, May 12, 2003 and the subsequent conversation regarding the rejections stated in the Office Action during both of which certain proposed amendments were discussed.

The Applicants have amended each of the independent claims in accordance with the comments of the Examiner. Each of the independent claims has been amended to include the limitation of a speaker mounting portion defining an opening adapted to receive at least a portion of a speaker. None of the art of record discloses or suggests a speaker bracket as that claimed in

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the amended claims that includes a speaker mounting portion defining an opening adapted to receive at least a portion of a speaker. The Applicants therefore believe that the rejections stated in the Office Action are moot in light of the amendments made herein and requests withdrawal of those rejections.

CONCLUSION

The Applicants have endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, Applicants respectfully submit that Claims 1-4 and 7-17 are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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